SUGGESTED ADOPTION OF A "DECLARATION" CLARIFYING THE MEANING OF RULE (f) IN ARTICLE 30 (RULE RELATING TO THE TYPE SPECIES OF A NOMINAL GENUS ESTABLISHED TO REPLACE AN EARLIER NOMINAL GENUS)

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The application relating to the type species of the genus *Fulgora* Linnaeus, 1767 (Class Insecta, Order Hemiptera) submitted to the International Commission on Zoological Nomenclature by Mr. R. G. Fennah (Imperial College of Tropical Agriculture, Trinidad) raises in a direct manner a question relating to the interpretation of Rule (*f*) in Article 30 of the *Règles*. Any answer to the question submitted necessarily implies the giving of a ruling by the Commission on the interpretation of the foregoing Rule. Under the decisions on procedure taken by the Thirteenth International Congress of Zoology at its meeting held in Paris in 1948, interpretative decisions of this kind are in future to be recorded by the Commission in the series "Declarations," the series "Opinions" being reserved for decisions in regard to individual nomenclatorial problems not involving any new interpretation of the *Règles* (see, 1950, *Bull. zool. Nomencl.* **4** : 132-137).

2. Under the procedural decision referred to above, it will therefore be necessary in future for the International Commission, when considering an application which is concerned primarily with obtaining a ruling in regard to some particular name, but which requires an interpretative decision on some aspect of the *Règles* as a condition precedent to the giving of a ruling on the individual case submitted, to deal first with the general question of principle involved, and, having done so, to deal with the individual problem of nomenclature submitted. In the present case, therefore, a "Declaration" will be needed on the interpretation of Rule (*f*) in Article 30, and also an "Opinion" on the type species of the genus *Fulgora* Linnaeus, that *Opinion* being based, so far as concerns the meaning to be attached to Rule (*f*), on the *Declaration* to be decided upon immediately previously.

3. *Rule* (*f*) *in Article* 30 : Rule (*f*) in Article 30 contains the following provision for determining (where applicable) the type species of a nominal genus, for which no such species was designated (Rule (*a*)) or indicated (Rules (*b*), (*c*), or (*d*)) by the author by whom the generic name in question was first published :—

> (*f*) In case a generic name without originally designated type species is proposed as a substitute for another generic name, with or without type species, the type species of either, when established, becomes *ipso facto* type species of the other.

4. *The twofold issue involved :* In this, as in similar cases, a twofold issue is involved : First, what is the meaning of the provision, as it actually stands in the *Règles* ? Second, is that meaning the one which it is desirable that the provision should have ? Further, it is possible that, whatever answer is given to these questions, it may be considered desirable to amend or clarify the wording of the existing provision in the *Règles* ; an amendment of the wording would certainly be necessary if it were to be considered desirable to alter the meaning of the existing provision ; a verbal change might be considered necessary, if it were to be considered that the meaning of the existing provision was the desirable meaning but that it was not expressed in an absolutely unambiguous manner. In the following paragraphs the main issues involved are considered in turn. Finally, consideration is given to the question whether any, and. if so, what changes in wording are required in the existing provision.

5. *The meaning of Rule* (*f*) *in Article* 30, *in its present form* : The key word in Rule (*f*) in Article 30, as it exists at present, is the word " proposed ", for the whole Rule is concerned to define the situation which arises when a new generic name " is proposed " as a substitute for another generic name. It is necessary therefore carefully to consider the meaning which properly attaches to the word " proposed ", as used in this Rule. When an author publishes a new generic name, he may adopt either of two courses : (1) he may state why he considers the new name to be necessary (e.g. because a name is needed for a previously unrecognised genus or for a genus, which, although already recognised, does not possess a nomenclatorially available name), or (2) the author concerned may simply publish the new generic name without any explanation as to why he does so or even without any indication that the name is a new name. Only in the case of names falling in the first of these classes is there any evidence as to the reason which led the author concerned to " propose " (i.e. to publish) the new generic name : where the author either (*a*) adopts a formula, or (*b*) uses words, which either clearly state or definitely imply that the new name so published is intended to be a substitute for some previously published name, then and then only can it be stated as an ascertained fact that new name was in fact " proposed " as a substitute for some other name. In the absence of such a formula or such words, it must always be a matter of subjective personal opinion whether or not the later name was intended by its author to be a substitute name or whether it was published inadvertently or through ignorance of the existence of the earlier name in question. Such a name may in particular cases, have been intended to be a substitute name and it is possible sometimes to guess why it was that the author concerned published it in preference to using the older name already available (e.g. in the case of xviiith century zoologists, from aversion from absolute tautonomy between generic names and specific trivial names), but even in such a case the lack of direct evidence as to the reasons which prompted the author concerned to publish the new generic name makes it impossible to establish as a fact why it was the the author concerned " proposed," that name. Accordingly, on any strict interpretation of the words used in Rule (*f*) in Article 30, it must be concluded that that Rule applies only to those cases, where an author, when publishing a new generic name, refers also to a previously published generic name and, either by the use of some formula or through explanatory words, indicates that the new name is a substitute (for whatever reason) for the older name in question.

6. *The bearing of* Opinion 10 *on the meaning of Rule* (*f*) *in Article* 30 : While for the reasons given in the preceding paragraph, it is clear that the wording employed in Rule (*f*) in Article 30 is such as to bring within the scope of that Rule only generic names which, when first published, were accompanied by an express indication that they were substitutes for previously published generic names, there is fortunately direct evidence provided by the Commission itself very shortly after the enactment of Article 30 in its present form that the foregoing is not only the meaning which inevitably attaches to the words used in Rule (*f*) but is also the meaning which the Commission, as the body by which that Rule had been drafted and recommended to the Congress, intended that Rule to convey. This evidence is provided by the Commission's *Opinion* 10. The date on which this *Opinion* was adopted is not known but it was first published in July 1910 (*Smithson. Publ.* **1938** : 15-16), together not only with the nine preceding *Opinions* (of which *Opinions* 6-9 were then published for the first time) but also with the next fifteen following *Opinions* (*Opinions* 11-25) : it is likely therefore that *Opinion* 10 was adopted not later than sometime in 1909 and possibly earlier, in any case within two years of the adoption of the present Article 30 by the Boston Congress in 1907. *Opinion* 10 is concerned to make clear what is (or may be) the type species of a genus established with limits identical with those of a previously established genus, if Rule (*f*) in Article 30 did not require that, in order to come within its scope, a generic name must be published with an express indication that it was intended to be a substitute for some previously published name, a name published for a genus with limits identical with those of a genus having previously published name would fall within the scope of Rule (*f*) and in consequence the selection of a type species for either of the nominal genera concerned would (under that Rule) automatically constitute also the selection of the same species to be the type species of the other genus. We see however from *Opinion* 10 that, where two nominal genera are established with identical limits, the type species of one is not automatically the type species of the other ; on the contrary, any author is free to select any of the originally included species to be the type species of either. Here therefore we have implicit evidence from the Commission itself to show that an express indication that a name is published as a substitute for another name is necessary, in order to bring the later published of the two names within the scope of Rule (*f*) in Article 30.

7. *Question whether the present meaning of Rule* (*f*) *in Article* 30 *is the desirable meaning* : Having now established, both by the normal method of interpretation and by reference to a governing decision already given by the Commission itself, what is the meaning properly attaching to Rule (*f*) in Article 30, as it at present stands, we may turn to consider whether that is the meaning which it is desirable that that Rule should bear. The choice is a simple one : Is it desirable (1) that (as at present) an author publishing a new generic name must expressly indicate (in some clear manner) that that name is a substitute for some specified earlier name, in order to bring the new name within the scope of Rule (*f*), or (2) that the wording of that Rule should be relaxed in such a way as to bring within the scope of that Rule not only any name expressly published as a substitute name, but also any name which, though not published with any such express indication, has the appearance of being intended to be a substitute name. It is only necessary to pose the question in order also to provide the answer. For a modification of Rule (*f*) in the sense indicated above would be to import into that Rule precisely that defect which it is the aim of draftsmen to avoid and which the Thirteenth International Congress at Paris in 1948 was at pains, as far as possible, to eradicate from the *Règles*, namely a provision which depends not upon some objective external fact, but on a subjective idea (in this case, an idea as to the intentions of a given author, when publishing a new name) to be formed by a person seeking to apply the provision in question. It is perfectly obvious that no provision that depends on a subjective criterion can ever lead to stability, for it is inevitable that some will apply that criterion in one way and others in the opposite way. It would therefore be a most retrograde step to substitute a subjective, for the present objective, basis for Rule (*f*) in Article 30.

8. *Question whether any verbal amendment of Rule* (*f*) *in Article* 30 *is desirable for the purpose of eliminating possible misunderstandings as to the meaning of that Rule*: Having now examined the question of the meaning properly applicable to Rule (*f*) in Article 30 and having concluded also that that meaning is greatly to be preferred to the only meaning that could be substituted for it, we must pause to consider whether any, and, if so, what verbal amendment of Rule (*f*) is desirable for the purpose of eliminating possible misunderstandings in the future as to the meaning of this Rule. On this question, there will, I think, be general agreement as to the need for a drafting amendment designed to clarify the meaning of this Rule, in order to save zoologists in future from becoming involved in discussions such as those which have occurred in the past on the question whether the name *Fulgora* Linnaeus, 1767, should be regarded as the name of a genus then independently established by Linnaeus or whether it should be regarded as no more than a substitute name for the earlier name *Laternaria* Linnaeus, 1764, a question which plays an essential part in the application in regard to those names now submitted to the Commission by Mr. R. G. Fennah.

9. *Recommendation submitted*: For the reasons set forth in the present note, I recommend that the International Commission on Zoological Nomenclature should render a *Declaration* (1) ruling that Rule (*f*) in Article 30 is to be interpreted (a) as though the words " expressly published " were inserted after the word " is " in place of the word " proposed," and (b) as though the words " some specified generic name of older date " were substituted for the words " another generic name," and (2) recommending that the foregoing changes be made in Rule (*f*) in Article 30 by the next International Congress of Zoology.